

Express Mail No.: EV335856905US**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Application of: Angelucci *et al.*

Application No: 09/942,333

Group Art Unit: 3732

Filed: August 29, 2001

Examiner: Eduardo C. Robert

For: LAMINOPLASTY IMPLANTS
AND METHODS OF USE

Atty Docket No.: 8932-546-999

**RECEIVED
CENTRAL FAX CENTER
SEP 09 2003****RESPONSE TO RESTRICTION REQUIREMENT**Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450**OFFICIAL**

Dear Sir or Madam:

In response to the Office Action mailed August 6, 2003, Applicants provisionally elect the invention of Group I - claims 1-44 - drawn to an implant - for prosecution in this application. Applicants reserve the right to file divisional applications to protect the inventions of Groups II and III. Applicants provisionally elect Species III, as depicted in Figures 5A-5C, for prosecution at this time, with the understanding that the claims shall be restricted to this species only if no claim that is generic to Species I, II and IV-VIII is finally held to be allowable. Applicants believe that pending claims 1-26 are readable on the elected Species. Claim 1 is generic to Species I, III and IV.

Applicants traverse the species restriction to the extent that while Applicants' provisional election to Species III (Figs. 5A-C) is directed to an implant for use in maintaining a desired distance between first and second bisected bone ends of the spinal column, Species I (Figs. 1A-C), Species IV (Figs. 8A-C) and Species V (Figs. 10A-C) are also directed to an implant for use in maintaining a desired distance between first and second bisected bone ends of the spinal column. Thus, because Applicants believe that the

Express Mail No.: EV335856905US


classifications of the invention in Figs. 1A-C, 5A-C, 8A-C and 10A-C are the same (as indicated in the Examiner's identification of a single classification for the invention of Group I, covering claims 1-44), and the field of search is the same. Applicants believe that dividing among these figures is improper. See MPEP 808.02. As such, Applicants believe that Species I (Figs. 1A-C), Species III (Figs. 5A-C) and IV (Figs. 8A-C) and Species V (Figs. 10A-C) should all be prosecuted in the present application.

Applicants believe that pending claims 1-44 are readable on Species I, III, IV, V and should be prosecuted in the present application.

No fee is believed due for this submission. Should any fees be required, however, please charge such fees to Pennie & Edmonds Deposit Account No. 16-1150.

Respectfully submitted,

Date September 8, 2003



Brian M. Rothery

Reg. No. 35,340

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached "Response to Restriction Requirement" for Non-provisional application Ser. No. 09/942,333 entitled "Laminoplasty Implants and Methods of Use" is being filed with the United States Patent and Trademark Office by facsimile transmission on September 8, 2003 to facsimile telephone number 703-872-9306.


Jeffrey M. Chamberlain

9-8-03
Date

**RECEIVED
CENTRAL FAX CENTER**

SEP 09 2003

OFFICIAL

NY2: 1462306.1